

E-Filed on 11/17/09

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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,
18 LLC,¹

19 USA CAPITAL DIVERSIFIED TRUST
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED
22 FUND, LLC,²

23 USA SECURITIES, LLC,³ Debtors.

24 Affects:

25 All Debtors
26 USA Commercial Mortgage Company
27 USA Capital Realty Advisors, LLC
28 USA Capital Diversified Trust Deed Fund, LLC
29 USA Capital First Trust Deed Fund, LLC
30 USA Securities, LLC

31 Case No. BK-S-06-10725-LBR¹
32 Case No. BK-S-06-10726-LBR¹
33 Case No. BK-S-06-10727-LBR²
34 Case No. BK-S-06-10728-LBR²
35 Case No. BK-S-06-10729-LBR³

36 **CHAPTER 11**

37 Jointly Administered Under Case No.
38 BK-S-06-10725 LBR

39 **NOTICE OF HEARING REGARDING**
40 **FIRST OMNIBUS OBJECTION OF**
41 **USACM TRUST TO PROOFS OF**
42 **CLAIM BASED UPON THE**
43 **INVESTMENT IN THE BEASTAR**
44 **LOAN WITH CERTIFICATE OF**
45 **SERVICE**

46 Date of Hearing: December 18, 2009
47 Time of Hearing: 1:30 p.m.

48 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
49 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
50 **CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**

51 ¹ This bankruptcy case was closed on September 23, 2008.

52 ² This bankruptcy case was closed on October 12, 2007.

53 ³ This bankruptcy case was closed on December 21, 2007.

1 BEASTAR LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO
2 THE EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING
7 GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.

8 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
9 First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon the Investment
10 in the BeaStar Loan (the “Objection”). Your Proof of Claim number and other
11 information regarding your claim is provided in **Exhibit A**, attached. The USACM
12 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
13 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
14 based upon investment in the BeaStar Loan. The Objection will not impact your Claim to
15 the extent it is based upon an investment in a different loan.

16 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
17 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
18 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
19 **December 18, 2009, at the hour of 1:30 p.m.**

20 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
21 **DECEMBER 18, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
22 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
23 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

24 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
25 by December 11, 2009 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: November 13, 2009.

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)
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Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on November 13, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Leilani Lista
Leilani Lista